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Attorneys for Plaintiffs  
 JAREK MOLSKI  
 and DISABILITY RIGHTS  
 ENFORCEMENT, EDUCATION  
 SERVICES: HELPING YOU  
 HELP OTHERS

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

**\*E-FILED - 10/6/05\***

JAREK MOLSKI, an individual; and  
 DISABILITY RIGHTS ENFORCEMENT,  
 EDUCATION SERVICES: HELPING  
 YOU HELP OTHERS, a California public  
 benefit corporation,

Plaintiffs,

v.

RUNNING IRON BAR &  
 RESTAURANT; BRUCE SPRINGER, an  
 individual; ELIZABETH SPRINGER,  
 individually and as trustee of the  
 SPRINGER FAMILY 1992 TRUST; and  
 JENN & NELSON FOREMAN,  
 individuals dba RUNNING IRON BAR &  
 RESTAURANT,

Defendants.

**CASE NO. C 04-2223 RMW**

**STIPULATION OF DISMISSAL AND  
 ORDER THEREON**

The parties, by and through their respective counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the Settlement Agreement and General Release ("Agreement"), each party is to bear its own costs and attorneys' fees. The parties further consent to and request that the Court retain jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement agreements).

Therefore, IT IS HEREBY STIPULATED by and between parties to this action through their designated counsel that the above-captioned action be and hereby is dismissed with prejudice pursuant to Federal Rules of Civil Procedure section 41(a)(1).

This stipulation may be executed in counterparts, all of which together shall constitute one original document.

IT IS SO STIPULATED.

DATED: August 26, 2005

THOMAS E. FRANKOVICH,  
*A PROFESSIONAL LAW CORPORATION*

By: \_\_\_\_\_/s/\_\_\_\_\_  
 Jessica A. Dayton  
 Attorneys for Plaintiffs JAREK MOLSKI and  
 DISABILITY RIGHTS ENFORCEMENT,  
 EDUCATION SERVICES: HELPING YOU  
 HELP OTHERS

DATED: August 25, 2005

DE VRIES LAW GROUP

By:           /s/            
Daniel J. De Vries  
Attorneys for Defendants JENN & NELSON  
FOREMAN, individuals dba RUNNING IRON  
BAR & RESTAURANT

## ORDER

IT IS HEREBY ORDERED that matter is dismissed with prejudice pursuant to Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for the purpose of enforcing the parties' Settlement Agreement and General Release should such enforcement be necessary.

Dated: October 6, 2005

/s/ RONALD M. WHYTE  
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 Hon. Ronald M. Whyte  
 UNITED STATE DISTRICT JUDGE